

REMARKS

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested in light of the remarks which follow.

As noted in the Office Action Summary, claims 1, 3, 4 and 6-37 stand pending. Claims 31 and 34-35 stand withdrawn.

Claims 1, 6, 12, 13, 15, 16, and 17 are amended herein. Basis for these amendments may be found throughout the specification and claims as-filed especially at page 6, lines 17-19, page 11, lines 2-4 and page 26, lines 5-11.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 1, 3-4, 6-30, 32-33 and 36-37 stand rejected under 35 U.S.C. § 112, second paragraph, as purportedly indefinite.

Claim 1 stands rejected as the metes and bounds of the term "genomes of both (i) and (ii) comprising" is purportedly unclear. Claim 1 is amended herein to separately refer to the "genome of (i)" and the "genome of (ii)" in the first line of element (a)(ii). Thus, Applicants submit that it is clear to the skilled artisan that each of genomes (i) and (ii) individually comprise each of the listed components.

Claims 1 stands rejected as the term "the cell obtained in step (a)" purportedly lacks antecedent basis. Applicants clarify that "the cell obtained in step (a)" as recited in subsection 1(b) refers to the first cell line recited to in the introduction steps of step (a) (*i.e.*, "introducing in a first cell line...". The phrase "the cell obtained in step (d)" as recited in subsection 1(e) refers to the second cell line recited in the

introduction steps recited in step (d). To clarify this in the claim language, claim 1 is amended herein to replace "the cell obtained in step (a)", with "said first cell line generated following step (a)" and "the cell obtained in step (d)" with "said second cell line generated following step (e)".

Claim 6 stands rejected as the metes and bounds of "said first helper (i) or said second helper (ii)" is purportedly unclear. Claim 6 is amended herein to replace the term "and" with "or" such that the claim recites "said first helper (i) and said second helper (ii), to clarify the claimed subject matter.

Claim 12 stands rejected as the phrase "second helper vector" purportedly lacks antecedent basis. To provide antecedent basis, the phrase "said second helper vector" is replaced with "said second helper (ii)" in claim 12. Applicants submit the "second helper (ii)" has clear antecedent basis in claim 11.

Claim 13 stands rejected as the phrase "the E1 function" purportedly lacks antecedent basis, and as the metes and bounds of the phrase "function for the E1 function" are purportedly unclear. To clarify the claimed subject matter and to provide antecedent basis, claim 13 is amended herein to recite that the second helper (ii) is functional for all E1 functions. Specifically, claim 13 now recites "wherein said second helper (ii) contains an E1 region providing all E1 functions placed under the control of a non-adenoviral vector".

Claims 15 and 17 stand rejected as the metes and bounds of the phrase "make the origin of replication recognized" is purportedly unclear. As suggested by the Examiner, claims 15 and 17 are amended herein to recite that the endogenous 5' and 3' ITRs of the second helper (ii) are modified to enable the origin of replication to be recognized by the E2 gene products expressed from the first helper (i).

Claim 16 stands rejected as the metes and bounds of the term "replacement" and "by" are purportedly unclear. As suggested by the Examiner, claim 16 is amended to replace the term "by" with "with".

Claim 25 stands rejected as the phrase "at least one defective function" purportedly lacks antecedent basis. Applicants refer to page 6, lines 17-19, page 11, lines 2-4 and page 26, lines 5-11 of the specification, which define a minimal adenoviral vector as defective for all adenoviral functions. The recombinant minimal adenoviral vector comprises adenoviral ITRs and encapsidation region as the only adenoviral sequences present, together with the recombinant gene to be transferred. However, to clarify the claimed language, claim 1, section (e) is amended herein to recite a recombinant minimal vector which is defective for all adenoviral genes, thus providing antecedent basis for the defective function recited in claim 25.

In light of the above remarks and amendments to the claims, Applicants request that the rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

CONCLUSION


From the foregoing, further and favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully requested to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,

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Date: December 1, 2004

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